

UNITED STATES DISTRICT COURT
for the
Southern District of Indiana

United States of America

v.

Ronnie Butrum

Case No: 1:21-cr-235-JPH-MJD

USM No: Reg. No. 56421-509

Date of Original Judgment: 05/09/2022

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months **is reduced to** _____ .
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 05/09/2022 shall remain in effect.

SO ORDERED.

Date: 5/28/2024

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cr-00235-JPH-MJD
)	
RONNIE BUTRUM,)	-01
)	
Defendant.)	

ORDER DENYING MOTION TO REDUCE SENTENCE

Ronnie Butrum has filed a motion to reduce his sentence under Amendment 821 to the United States Sentencing Guidelines, which retroactively lowered the sentencing guidelines calculation for some defendants. Dkt. 41.

Under 18 U.S.C. § 3582(c), a district court "may not modify a term of imprisonment once it has been imposed" unless an exception applies. *See Dillon v. United States*, 560 U.S. 817, 824 (2010). One of those exceptions is for "a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission." 18 U.S.C. § 3582(c)(2). Motions for sentence reductions under § 3582(c)(2) are evaluated in "a two-step inquiry." *Dillon*, 560 U.S. at 826–27. First, the district court must determine whether the reduction is permissible under the amended guidelines. *Id.* If that first step is satisfied, the district court must consider "any applicable § 3553(a) factors and determine whether,

in its discretion, the reduction . . . is warranted . . . under the particular circumstances of the case." *Id.*

Here, Mr. Butrum seeks a reduction under Amendment 821 Part A, which limits "status points" imposed for having committed the offense while under a criminal justice sentence. Dkt. 41 at 2; USSG §4A1.1. The government responds that Mr. Butrum is not eligible for a reduction because the amendment does not change his guidelines range. Dkt. 48.

Mr. Butrum originally received two status points, dkt. 33 at 14, which under Amendment 821 Part A would now be one status point, USSG §4A1.1(e). That change would make Mr. Butrum's criminal history score ten instead of eleven. See dkt. 33 at 14. But criminal history scores of ten and eleven both result in a criminal history category of V, so Mr. Butrum's guideline range would not change. USSG §5A (sentencing table). The Court may reduce Mr. Butrum's sentence only if his "sentencing range . . . has subsequently been lowered by the Sentencing Commission." 18 U.S.C. § 3582(c)(2); see USSG §1B1.10(a) (same).

Mr. Butrum therefore is not eligible for a sentence reduction under *Dillon's* first step, and his motion is **DENIED**. Dkt. [41].

SO ORDERED.

Date: 5/28/2024



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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